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PURSUANT TO 37 CFR 1.8**

**DATE: December 27, 2004**

**MATTER NUMBER: 01030 10112540**

		<b>Docket: LUD 5466.7 DIV</b>
<b>RECIPIENT(S):</b>	<b>FAX NO.:</b>	<b>PHONE NO.:</b>
<b>GROUP 1642 Examiner Minh-Tam B. Davis</b>	<b>703-872-9306</b>	

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**NUMBER OF PAGES INCLUDING COVER**

**PAGE: 3**

**TRANSMITTED HERewith ARE THE FOLLOWING DOCUMENTS:**

**1. Response to Examiner Interview Summary**

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EVELYN ROSARIO AT 212 / 318-3220 AS SOON AS POSSIBLE.**

LUD 5466.7 DIV (10112540)**CERTIFICATE OF FACSIMILE TRANSMITTAL**

I hereby certify that this correspondence is being transmitted via telecopy pursuant to 37 CFR 1.8 to Group 1642, Examiner Minh-Tam B. Davis at Facsimile Number: (703) 872-9306, of the United States Patent & Trademark Office on 12/27/04.

Evelyn Rosario  
(Name of Transmitter) ..

(Signature)

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of: Elisabeth STOCKERT et al.

Application No.: 10/023,182

Group Art Unit: 1642

Filed: December 17, 2001

Examiner: Minh-Tam B. Davis

For: ISOLATED NUCLEIC ACID MOLECULES  
ENCODING ESO-1 PEPTIDES AND USES  
THEREOF

**RESPONSE TO**  
**EXAMINER INTERVIEW SUMMARY**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the Examiner Interview Summary, dated December 20.

This statement is blatantly untrue, and the Examiner and SPE are called upon to explain and correct the statements.

It is correct that an interview was held on December 14. It is NOT correct that a possible written description rejection of claims 32-37 and 40 was discussed.

SPE Siew raised the issue of a possible written description rejection of claim 32 ONLY. In fact, at several points during the interview, Dr. Siew was asked "now, let me

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see if I understand you. You're saying that claims 33-41 are fine." His response each time was yes. Dr. Jonathan Skipper, who participated, can verify this.

There was a series of telephone interviews on December 20, NOT reported in the summary. Examiner Davis called and indicated that "some" of the claims would be rejected on written description grounds, when asked which claims, she was evasive. Only when the undersigned stated that he would speak to the SPE was she honest enough to report that all but claim 41 would be rejected.

After numerous attempts, Dr. Siew was reached. His response was to indicate that HE had focused on claim 32 but Examiner Davis had concerns about the other claims. When asked why they had not been brought up during the interview, his response was "I have to discuss that with her." Ms. Davis, who was in the office of Dr. Siew during the interview, which was conducted via speaker phone, did not respond.

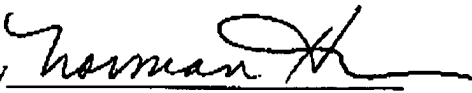
Dr. Siew indicated that regardless of what applicants and, he was revoking her former statements regarding allowability and was "standing by" his examiner's position.

The preceding is an accurate statement of the interviews. The document produced by Examiner Davis is not.

The office is called upon to purge the paper and to issue a new one, which CORRECTLY states what happened, rather than what is convenient.

Respectfully submitted,

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By   
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